

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 9, 2002

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Mayor David Dermer
 Vice-Mayor Jose Smith
 Commissioner Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Luis R. Garcia, Jr.
 Commissioner Saul Gross
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

PA1	Cert. of Apprec./O. Canas, Work as the Executive Director of MB Community Health Ctr. (Dermer)	1
PA2	Cert. of Apprec./Olga Figueras, Help Refurbish WWII Statue-Feinberg/Fisher Elementary. (Garcia)	
PA3	Cert. of Apprec./J. Tighe & K. Fryd, Support of Miami Beach Children's Relief Fund. (Dermer)	
PA4	Proclamation/J. Marques & T. Boss, Culminating the Hosting of FIU Classes in CMB. (Dermer)	
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REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A	Authorize (1) Year Renewal, Mgmt/Leasing Agmt w/ MBCDC-Anchor Shops & Parking Garage.	1
2B	Approp. Tax Increment Funds, Perform Repairs to Seawall Along SSDI-South.	A

Meeting called to order at 9:14:38 a.m.

Inspirational Message given by Father Enrique Strada from St. Patrick's Catholic Church.

Pledge of Allegiance led by Chief De Lucca.

Requests for Additions, Withdrawals, and Deferrals.

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Oscar Canas, For His Work As The Executive Director Of The Miami Beach Community Health Service Center.
(Requested By Mayor David Dermer)
(Deferred From December 19, 2001)

ACTION: Certificate of Appreciation presented.

- PA2 Certificate Of Appreciation To Be Presented To Principal Olga Figueras, For Participating In Refurbishing The World War II Statue At Feinberg/Fisher Elementary.
(Requested By Commissioner Luis R. Garcia, Jr.)
(Deferred From December 19, 2001)

ACTION: Certificate of Appreciation presented.

- PA3 Certificate Of Appreciation To Be Presented To Captain John Tighe And Mrs. Karen Fryd, For Their Continued Support Of The Miami Beach Children's Relief Fund.
(Requested By Mayor David Dermer)

ACTION: Certificates of Appreciation presented.

- PA4 Proclamations To Be Presented To Dr. Jose Marques And Dr. Terry Boss, For Their Unprecedented Interest And Relentless Effort That Culminated The Hosting Of Florida International University Classes In The City Of Miami Beach.
(Requested By Mayor David Dermer)

ACTION: Proclamations presented.

- PA5 Certificate Of Appreciation To Be Presented To Alan Randolph For Serving As Chair Of the Production Industry Council For Two Years And For Being Instrumental In Passing The "Film & Print Incentives" That The City Commission Passed This Year.
(Requested By Mayor David Dermer)

ACTION: Certificate of Appreciation presented.

New Item:

Commissioner Bower announced that the City Manager created a Blue Ribbon Panel for Parks and Recreation to get input from the public on the City's parks and recreational programs. Commissioner Bower urge the citizens to participate. The following meetings will be held:

1. Middle Beach - January 17 at 6:30 p.m. - North Beach Elementary School.
2. South Beach - January 24 at 6:30 p.m. - Feinberg/Fisher Elementary School.
3. North Beach - January 31 at 6:30 p.m. - Biscayne Elementary School cafeteria.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Steinberg.

C4 - Commission Committee Assignments

9:43:17 a.m.

- C4A Referral To The Finance And Citywide Projects Committee To Discuss The Future Management Of The

Parking Operations At The Anchor Shops And Parking Garage (16th Street Garage).
(City Manager's Office)

ACTION: Item separated for discussion by Commissioner Gross. Discussion held. **Referred as amended.** Motion made by Commissioner Gross to refer this item and to include all of the City's garages to this referral; seconded by Commissioner Garcia; 6-0; Absent: Commissioner Steinberg. Patricia Walker to place on the Committee agenda. Christina Cuervo and Saul Frances to handle.

- C4B Referral To The Land Use And Development Committee - Issue Of Persons Residing On Vessels Docked Behind Single-Family Residential Neighborhoods.
(Requested By Vice-Mayor Jose Smith)

ACTION: Referred. Jorge Gomez to place on the Committee agenda.

- C4C Referral To The Debarment Committee - Letter Requesting Debarment Procedures.
(City Manager's Office)

ACTION: Referred. Capital Improvement Projects (CIP) Office to recommend a person for fact-finding and related budget for subsequent Debarment Committee and City Commission action. Tim Hemstreet to handle. After fact finding report is complete Gus Lopez to place on the Debarment Committee agenda.

City Clerk's cross-reference: City Code 2-405

- C4D Referral To The Land Use And Development Committee Regarding Mr. Richard Shindler's Property Located At 715 82nd Street.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Referred. Jorge Gomez to place on the Committee agenda.

9:55:44 a.m.

- C4E Referral To The Land Use And Development Committee – Assessment of City's Concurrencies.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Item separated for discussion by Commissioner Garcia. Discussion held. **Referred.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Steinberg. Jorge Gomez to place on the Committee agenda. Fred Beckmann to handle.

Commissioner Garcia stated that over the last few months there have been several complaints about concurrency and added that there seems to be a lack of understanding of what concurrency is all about. There is a lack of understanding by the Administration of what is perceived as a fair and open process. This is only another tax; another impact fee. Commissioner Garcia stated there a lot of holes in the concurrency process. For example he stated that if there is an appeal, and the person wins the appeal, there is no law in place to issue a refund.

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of December 3, 2001: **1)** Discussion: Bay Link Study; **2)** Projects Status Report: Updated Calendar Of Scheduled Community Design Workshops; **3)** Recommendation To Appropriate Funds: (a) Normandy Isle Park And Pool Construction Appropriations; (b) Nautilus Neighborhood Reynolds, Smith & Hill A/E Contract Amendment;

And (c) West Avenue/Bay Road Neighborhood Glatting Jackson A/E Contract Amendment; **4)** Informational Items: (a) Normandy Isle/Normandy Sud Community Design Workshop #1; (b) Oceanfront Community Design Workshop #1; (c) West Avenue/Bay Road Community Design Workshop #1; (d) Star, Palm, And Hibiscus Islands Enhancement Community Design Workshop #2, And (e) Venetian Causeway Master Plan Phase I, Venetian Islands Community Design Workshop #1.

ACTION: Written report submitted.

1. Committee discussed. Frank Del Vecchio recommended that the City evaluate the impact and feasibility of this proposed transit system.
2. The following areas had their community design workshop(s): a. Normandy Isle/Normandie SUD; b. Oceanfront; c. West Avenue/Bay Road; d. Star, Palm, and Hibiscus Island; e. Venetian Causeway Master Plan Phase I, Venetian Islands.
3. a: The Committee passed a motion to table the request to recommend that the City Commission appropriate the amount of \$89,000 from the General Obligation Bond, which includes \$49,000 to cover the cost of construction for a 22 new on-street parking spaces on Trouville Esplanade and Rue Granville and \$40,000 to cover the cost of construction of accessible walkways and ramps included in the Normandy Park and Pool improvement project until the Administration can provide a more defined outline of funding on the park project.
3. b: The Committee passed a motion to recommend to the City Commission that \$51,523, be appropriated towards Amendment No. 1 to the agreement to provide additional professional services associated with the area known as Orchard Park within the Nautilus Neighborhood Streetscape project.
3. c: The Committee passed a motion opposing a recommendation to the City Commission that \$22,247 be appropriated for Amendment.
4. Informational items.

C6B Report Of The Joint Finance & Citywide Projects And Community Affairs Committee Meeting Of December 12, 2001: **1)** Discussion And Direction Of The Proposed Guidelines Establishing Rental Fee Waivers Requested By Qualified Groups, Organizations Or Other Users Of The Miami Beach Parks And Recreation Department's Parks And Recreation Facilities (Joint Item); **2)** Discussion Regarding Espanola Way Sidewalk Café, Parking And Road Impact Fees; **3)** Capital Improvement Program Status Report On Active Projects; And **4)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 102 Entitled "Taxation" By Creating Article VI Thereof Entitled "Historic Property - Ad Valorem Tax Benefits," Sections 102-386 Through And Including Section 102-391, Authorizing Ad Valorem Tax Exemptions For Historic Properties; Providing For Severability; Codification; Repealer; And An Effective Date.

ACTION: Written report submitted.

1. The Committee moved the item to a future Joint Committee meeting to review the policy after incorporating the proposed changes. **Kevin Smith and Patricia Walker to handle.**
2. The Committee moved to waive fees during the upcoming period of construction and to allow businesses to come back to the Finance and Citywide Projects Committee to request extensions following construction, as necessary. **Patricia Walker and Saul Frances to handle.**
3. No action necessary (Informative presentation).
4. Ordinance deferred until Land Use/Historic Homes ordinance and Land Use Regulations are in place. **Jorge Gomez and Patricia Walker to handle.**

C6C Report Of The Land Use And Development Committee Meeting Of December 17, 2001: **1)** Victory Garden; **2)** Street Performers And Non-Profit Vendors; **3)** Fee Structure For Street Performers And Vendors; And **4)** Single Family Demolition Interim Procedures.

ACTION: Written report submitted.

1. Motion to move Victory Garden to proposed site on Collins Avenue; however, the Administration is instructed to explore other alternate sites if feasible and in any event the Collins Avenue site should be maintained as green space. **Christina Cuervo to handle.**
2. Motion to find a single dedicated location on Lincoln Road for the art vendors and designate five locations on Lincoln Road for performers. The Administration was instructed to meet with LRM Inc., business and performers and report back to Land Use and Development Committee. **Robert Middaugh to handle.**
3. Motion to charge \$15 per year to apply for lottery. Group of performers may pay one fee. Vendors to pay license fee after they are selected via lottery. **Patricia Walker and Robert Middaugh to handle.**
4. Motion to recommend that the City Commission approve the modified ordinance establishing interim procedures for review of demolition of single family homes. **Jorge Gomez to handle.**

C7 - Resolutions**9:47:36 a.m.****7:46:53 p.m.**

C7A A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 10 To The Agreement With Camp, Dresser, And McKee, Inc. (CDM), To Provide Engineering Services For Upgrading Sewer And Water Pumping Stations; Said Amendment Extending CDM's Consulting Services To Match The Additional Time Provided To Felix Equities, Inc., As The City's Contractor For The Project, And Increasing Compensation To CDM, In The Amount Of \$160,772; Further Approving And Appropriating Funds, In The Amount Of \$160,772 Available In The \$59 Million Water And Sewer Bonds Fund No. 426; And Further Approving And Appropriating Funds To Amend The Existing Contract With CDM For Supplemental Engineering Services In An Amount Up To \$38,000, Also Available In The \$59 Million Water And Sewer Bonds Fund No. 426.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Gross. Discussion held. **Item deferred to the afternoon to allow the Administration an opportunity to renegotiate a reduced fee.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice Vote: 6-0; Absent: Commissioner Steinberg.

7:46:54 p.m.

ACTION: Discussion held. **Resolution No. 2002-24700 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 5-1; Opposed: Commissioner Gross; Absent: Vice-Mayor Smith. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Robert Middaugh gave an oral presentation on the negotiations.

9:58:58 a.m.

C7B A Resolution Approving The Assignment Of The Existing Professional Services Agreement Between The City Of Miami Beach And Gambach-Sklar Architects, Inc., Dated September 13, 1995, To Gambach Architects, Inc., For The Provision Of Architectural And Engineering Services For The Marseille Drive Streetscape Improvements Project; If Said Assignment Is Approved, Authorizing and Approving An Amendment To The Agreement With Gambach Architects Inc., In The Amount Of \$10,990; \$8,272 Of Which Is Available From Previously Appropriated Water And Sewer Bond Fund No. 426, And \$2,718 Of Which Is Available From Previously Appropriated General Obligation Bond Fund No. 373, For The Provision Of Construction Administration, And Management, Bidding And Other Related Professional Services Necessary To Complete The Water Main Replacements, And Streetlighting Improvement Portions Of The Project.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Vice-Mayor Smith. Discussion held.

Resolution No. 2002-24701 adopted with a 30-day report requirement. Motion made by Vice-Mayor Smith to approve the resolution and in addition, the Administration to prepare a progress report in 30 days; seconded by Commissioner Garcia; Voice vote 7-0. Tim Hemstreet to handle.

Vice-Mayor Smith stated that this project has to do with Marseille Drive on Normandy Isle. The project was approved even before the last G. O. Bonds projects. It's a streetscape project and most of the funding assigned to this project came from CDBG funding. In January 2000, the City Commission appropriated additional funding to enlarge the scope of the project and authorized the architect to revise the plans to accommodate additional funding and improvements. It has been two years and nothing has been done.

Robert Middaugh, Assistant City Manager, reviewed the chronology of events.

Vice-Mayor Smith explained that the disagreements between the architects should not have an impact on the project, and stressed that the project needs to move forward.

C7C A Resolution Approving And Authorizing The Placement Of Ten (10) Banners For The Miami International Boat Show, To Be Held February 14, 2002 To February 19, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than January 30, 2002, And Removed By February 21, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24702 adopted. James Quinlan to handle.

- C7D A Resolution Approving And Authorizing The Placement Of Twenty-Five (25) Banners For The Miami Film Festival, To Be Held January 24, 2002 To February 3, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; Washington Avenue, Between 7th And 16th Street; Collins Avenue, Between 15th And 18th Street; 5th Street, Between Alton Road And Ocean Drive; Alton Road, At 41st Street; And Alton Road, Between 11th And 17th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than January 10, 2002, And Removed By February 6, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24703 adopted. James Quinlan to handle.

- C7E A Resolution Approving And Authorizing The Placement Of Twenty-Eight (28) Banners For The Yacht & Brokerage Show, To Be Held February 14, 2002 To February 18, 2002, As Requested By The Applicant At The Following Locations: Collins Avenue, Between 41st And 52nd Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than January 30, 2002, And Removed By February 21, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24704 adopted. James Quinlan to handle.

- C7F A Resolution Approving And Authorizing The Placement Of Ninety Eight (98) Banners For The Miami Beach Festival Of The Arts, To Be Held February 9, 2002 To February 10, 2002, As Requested By The Applicant At The Following Locations: 5th Street From Alton Road To Ocean Drive; Macarthur Causeway From Coast Guard Station To Alton Road; Collins Avenue From 42nd To 62nd Street; Collins Avenue From 71st To 87th Street; Harding Avenue From 87th To 73rd Street; Abbot Avenue From 73rd To Indian Creek Drive; 71st Street From Collins Avenue To Bay View Drive; 73rd Street From Collins Avenue To Ocean Terrace; Ocean Terrace From 73rd To 75th Street; 41st Street From Alton Road To Pinetree Drive; Washington Avenue From Lincoln Road To 10th Street; Alton Road From 17th To 14th Street ; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than January 10, 2002, And Removed By February 12, 2002.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24705 adopted. James Quinlan to handle.

- C7G Appointment Of Chief Special Master
1) A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing December 29, 2001, And Ending June 29, 2002, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98-22777 Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2002-24706 adopted. Robert Parcher to handle.

- 2) A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing December 29, 2001, And Ending June 29, 2002, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

ACTION: Resolution No. 2002-24707 adopted. Robert Parcher to handle.

- C7H A Resolution Authorizing The Administration To Issue A Request For Proposals (RFP) For Insurance Broker/Vendor Services To Develop And Implement A Full Cafeteria Plan (IRS Section 125 Plan) To Include Flexible Spending Accounts (FSA) For Medical And Dependent Care Expenses For City Employees.

(Human Resources)

ACTION: Resolution No. 2002-24708 adopted. Gus Lopez to issue RFP.

- C7I A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With Miami Beach Community Development Corporation (MBCDC), In The Amount Of Eighty-One Thousand Three Hundred Dollars (\$81,300), Previously

Allocated To MBCDC From The City's Fiscal Year 2001/2002 Allocation Of Home Program Funds For Eligible Community Housing Development Organization Operating Expenses In Fiscal Year 2001/2002.
(Neighborhood Services)

ACTION: Resolution No. 2002-24709 adopted. Vivian Guzman to handle.

- C7J A Resolution Extending The Sunset Harbour Task Force For An Additional Six (6) Month Term, At Which Time The Task Force Will Sunset.
(Neighborhood Services)

ACTION: Resolution No. 2002-24710 adopted. Vivian Guzman to handle.

- C7K A Resolution Finding And Declaring The Existence Of An Emergency And Allowing The Police Athletic League (PAL), A Not For Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard And Prairie Avenue And The Dade Boulevard Vacant Lot, Located Between Prairie Avenue And Meridian Avenue, For A Fund-Raising Event To Provide Additional Parking And Operate A Food Concession Stand, From February 14 - 19, 2002, For The Miami International Boat Show; Further Providing That The Dade Boulevard Vacant Lot And The Swale Be Utilized Exclusively By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing A Precedent, So As To Satisfy This Unique Emergency Situation; (3) That PAL Restore The Property To Same Condition As Before Its Use By PAL; And (4) That PAL Provide A Certificate Of Insurance Or Other Proof Of Insurance To The City In A Form And Amount(s) Acceptable To The City's Risk Manager.
(Police Department)

ACTION: Resolution No. 2002-24711 adopted. Chief De Lucca to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:47:55 a.m.**

R5A An Ordinance Amending The Miami Beach City Code Chapter 62, Article II Thereof, Entitled "Discrimination" By Amending Section 62-31 Entitled "Definitions," Amending Section 62-32 Thereof Entitled "Purpose; Declaration Of Policy," Amending Sec. 62-58 Entitled "Filing Time Limit" By Eliminating A Filing Fee, Amending Section 62-63 Entitled "Processing Complaints," Amending Section 62-65 Entitled "Proceeding Before Special Master" By Clarifying The Description Of Interested Parties, Increasing Potential Fines, Adding Criteria, And Allowing For Reduction, And Adding A New Section 62-88.1 Entitled "Discrimination In Public Services"; Providing For Repealer; Codification; Severability; And An Effective Date. **10:30 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Richard L. Steinberg)
(First Reading On December 19, 2001)

ACTION: Public Hearing held. Discussion held. **Ordinance Number 2002-3343 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Mayra Diaz Buttacavoli to handle.

Handouts:

1. Notice of Ad in Miami Herald

10:55:59 a.m.

R5B An Ordinance Establishing Procedures For Resolving Bids (BIDS), Request For Proposals (RFP's), Request For Qualifications (RFQ's), Request For Letters Of Interest (RFLI's), And Purchase Orders Based On Written Or Oral Quotations, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration"; By Amending Article VI Thereof Entitled "Procurement"; By Creating Section 2-371 Entitled "Authority To Resolve Protested Bids And Proposed Awards"; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Requested By Vice-Mayor Jose Smith)
(First Reading On December 19, 2001)

ACTION: Public Hearing held. Discussion held. **Ordinance Number 2002-3344 adopted.** Motion made by Vice-Mayor Smith; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Gus Lopez to handle.

Handouts:

1. Notice of Ad in Miami Herald

11:39:47 a.m.

- R5C Parking Structures In Some Residential Zoning Districts To Serve Commercial Uses
An Ordinance Amending Chapter 130, "Off-Street Parking" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 130-68, "Commercial And Non-Commercial Parking Garages"; To Include Provisions For Allowing Non-Residential Use Of Certain Parking Garages In RM-1 Districts, And Allowing Ground-Floor Commercial Uses Within Certain Parking Garages In RM-2 Districts; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **11:30 A.M. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Public Hearing opened and continued to February 20, 2002 at 10:30 a.m.** Motion made by Commissioner Gross to refer this item to the Parking Committee Workshop scheduled for February 11; seconded by Commissioner Steinberg; Voice vote: 7-0. Saul Frances and Jorge Gomez to handle. Lilia Cardillo to place on the Commission agenda.

Jorge Gomez gave an oral report on the actions of the Land Use and Development Committee meeting held on January 8, 2002.

Handouts:

1. Notice of Ad in Miami Herald

11:43:57 a.m.

- R5D Comprehensive Plan Amendment
An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Year 2000 Comprehensive Plan, As Amended By Clarifying The Standards Applicable To The Category Entitled "Marine Recreational" (MR), Amending Policy 1.2 Of Objective 1: Land Development Regulations Of The Future Land Use Element; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies; Providing For Repealer, Severability, Inclusion In The Comprehensive Plan And An Effective Date. **11:45 A.M. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Bower to approve the ordinance on first reading; seconded by Vice-Mayor Smith; Ballot vote: 7-0. Second Reading and Second Public Hearing will be scheduled after the Department of Community Affairs (DCA) and other state and regional agencies have reviewed and approved. Jorge Gomez to transmit to the appropriate agencies.

Commissioner Gross wanted it known, for the record, that the Planning Board heard this item and a recommendation made as required by the City Code.

Handouts:

1. Notice of Ad in Miami Herald

1:59:10 p.m.

R5E Various Amendments To The Land Development Regulations

An Ordinance Amending Various Sections Of The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Including Amending Chapter 130, Off-Street Parking, Article II, District Requirements, Section 130-36, To Treat Off-Site Parking Requirements The Same For Local Historic Districts As For The Architectural District; Amending Chapter 118, "Administration And Review Procedures," Article II, Boards, Division 4, Historic Preservation Board, Section 118-102(3), Powers And Duties, And Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation, Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-563(l), "Review Procedure," To Make Historic Preservation Board Review Advisory To The City Commission For Certificates Of Appropriateness For Demolition For Properties Owned By The Miami Beach Redevelopment Agency; Amending Chapter 142, "Zoning Districts And Regulations," Article II, District Regulations," Division 12, "MR Marine Recreation District," Section 142-513, "Conditional Uses," To Allow For Conditional Uses In The MR District That May Be Provided By Other Provisions Of The Land Development Regulations; Chapter 138, "Signs," Article IV, "Temporary Signs," Section 138-132, "Business Signs," Subsection (D), To Allow Temporary Business Signs To Be Erected And Maintained Beyond The Permitted 30 Days When The City Manager Finds That Public Construction Has Resulted Or Would Result In Negative Impacts To A Business; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **2:00 P.M. First Reading, Public Hearing.**

(Planning Department)

ACTION: Public Hearing held. Discussion held. **Ordinance approved on first reading as amended (Section 1 adopted; Section 4 adopted; Section 5 adopted. Sections 2 and 3 not adopted).**

Motion made by Commissioner Bower to approve as amended; seconded by Commissioner Gross; Ballot vote: 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Cruz. Second Reading and Second Public Hearing scheduled for January 30, 2002. R. Parcher to notice (sections 1, 4, and 5). Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

Mayor Dermer stated that combining the amendments into one ordinance is confusing and requested in the future to do them as separate ordinances.

Jorge Gomez gave an oral report on the Land Use and Development Committee meeting held on January 8, 2002.

Section 1:

Motion made by Commissioner Gross to separate the amendments by sections and to approve Section 1; seconded by Commissioner Bower; Voice vote 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Cruz.

Section 4:

Motion made by Commissioner Bower to approve Section 4; seconded by Vice-Mayor Smith; Voice vote 6-0; Absent: Commissioner Cruz.

Section 5:

Motion made by Commissioner Garcia to approve Section 5; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Cruz.

Murray Dubbin, City Attorney, in reference to City property, stated that this is a policy issue. There are some legal ramifications. The City Commission has delegated powers to several Boards to make final decisions. Those decisions are final and any appeal of those decisions do not come to the City Commission but go directly to the Circuit Court. In reference to City property, he stated that he is concerned that this policy could place the City policy makers in conflict with its own agency. If any of those agencies, such as the Historic Preservation Board, make a decision contrary to the policy set by

the Commission as legislators, then the only remedy is to take your own Board to court. This creates a legal conflict. He is concerned with delegating powers to City boards that create a one way valve that subvert the will of the people as expressed to their elected officials as opposed to their appointed officials.

Sections 2 and 3

Motion made by Commissioner Steinberg to separate Sections 2 and 3 and prepare for a new ordinance for first reading/public hearing; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Jorge Gomez and Legal Department to handle. R. Parcher to notice. Lilia Cardillo to place on January 30 Agenda.

Handouts:

1. Notice of Ad in Miami Herald

2:35:54 p.m.

R5F An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; Providing For Repealer, Severability, Codification, And Effective Date. **2:30 P.M. Second Reading, Public Hearing.**

(Requested By Commissioner Luis R. Garcia, Jr.)
(Continued From December 19, 2001)

ACTION: Public Hearing opened and continued to January 30, 2002 at 10:30 a.m. Item referred to the Community Affairs Committee.

Jorge Gonzalez, City Manager, stated that this ordinance does put a chilling effect on employee recruitment efforts. He stated that Commissioner Garcia is correct in that the City of Miami Beach has very good benefits and is a very attractive place to work. Today, however, a 30-year career is essentially non-existent except for some closed organizations such as police and fire. In most places the idea of working in one job for 30-years does not exist, let alone in the same career. Nowadays people change careers, not just jobs, more than once in a lifetime. Benefits are inured while employed in the City, and the greatest benefit you can inure is the contact you have within the City. Lobbying, contacts or influences that one might exert within the City is legitimate and is covered in paragraph "B." Paragraph "B" is fair and reasonable. Jorge Gonzalez, City Manager, gave the example of a building permit inspector who signs off on a permit cannot go to work for that company and stated that this is unfair. He stated that he is not only speaking for himself but also the Administration and the 1,600 employees of the City. This ordinance is coming from a position of the employees being presumed guilty and trying to close a loophole that may not even exist.

Commissioner Garcia responded that this will not affect 1,600 employees. He stated that the actions of the previous procurement director prompted this legislation. He also stated that the City Commission is legislating ethics all the time.

Commissioner Bower asked for a list of employees this would impact. Jorge Gonzalez stated that providing a list would be difficult because it potentially could impact so many employees.

Commissioner Cruz stated that he needs to understand the full ramifications of the ordinance.

Motion made by Commissioner Gross to approve the ordinance excluding paragraph "A" and amending paragraph "B" to include "not-for-profit" and refer paragraph "A" to the appropriate committee (Community Affairs); seconded by Commissioner Bower; no vote taken. Discussion continued.

Motion made by Commissioner Steinberg to open and continue and refer the ordinance to the

Community Affairs Committee; seconded by Commissioner Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on Committee agenda. Lilia Cardillo to place on Commission Agenda.

Jorge Gonzalez stated that employees who think they are impacted should attend the meeting.

Handouts:

1. Notice of Ad in Miami Herald

7:37:35 p.m.

R5G An Ordinance Creating Miami Beach City Code Section 70-45, Entitled "Camping Prohibited" On Miami Beach City Code Chapter 70, Entitled "Offenses - Miscellaneous"; Providing For Definitions; Prohibiting Camping In Public Places Located Within The City; Providing For Enforcement; Providing For Penalties; Providing For Repealer, Severability, Codification, And An Effective Date.

First Reading.

(Neighborhood Services)
(Ordinance To Be Submitted)

ACTION: Referred. Motion made by Commissioner Bower to refer to the Neighborhoods Committee; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Vice-Mayor Smith. Vivian Guzman to place on Committee agenda and to handle.

R5H An Ordinance Amending Miami Beach City Code Chapter 2, Adding Section 2-461 Entitled "Certain Relationships Of City Commission Members Prohibited," By Prohibiting Members Of The City Commission From Either Directly Or Indirectly Appearing, Representing, Contracting With Or Acting On Behalf Of A Third Person With Respect To Any Matter Coming Before The City Commission; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading.**

(Requested By Vice-Mayor Jose Smith)

ACTION: Deferred by Vice-Mayor Smith. Lilia Cardillo to place on January 30 Commission Agenda.

1:50:22 p.m.

- R5I An Ordinance Relating To Single Utility Billing And Waste Impact Fees; Amending Section 90-133 Of The City Code By Excluding From The Definitions Of "Commercial Business Account" And "Commercial Units" Multi Family Residential Buildings Fronting On A Private Street And Whose Waste Removal Services Are Provided By Private Contract; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **First Reading.**
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for January 30, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Fred Beckmann to handle.

Commissioner Steinberg asked the City Manager for his position and the rationale for the tax as far as what it is meant to accomplish.

Jorge Gonzalez, City Manager, stated that this is technically an impact fee. It is intended to cover the impact that private waste haulers cause on city streets citywide, particularly when they do not pay services to the City. The multi-family residential buildings hire private haulers to collect their garbage. Private haulers do not pay any fees to the City. This impact fee is intended to mitigate the cost of cleaning up debris on our streets caused by private haulers.

R6 - Commission

- R6A Verbal Report Of The Land Use And Development Committee Meeting Of January 8, 2002: **1)** Technical Amendments; And **2)** Parking Structures In Residential Districts.

ACTION: Oral report given Jorge Gomez during items R5C and R5E. Jorge Gomez to handle.

R7 - Resolutions

11:38:06 a.m.

- R7A A Resolution Granting An After The Fact Revocable Permit To Sterling Building, Inc., As Owner Of The Property At 901 Lincoln Road, To Retain Nine (9) Uplight Lighting Fixtures Installed Within The Adjacent City Right-Of-Way. **10:50 A.M. Public Hearing.**
(Public Works)

ACTION: Public Hearing held. **Resolution No. 2002-24712 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote: 7-0. Fred Beckmann to handle.

Handouts:

1. Notice of Ad in Miami Herald

7:31:48 p.m.

R7B A Resolution Ratifying The Administration's Finding Of Default Of REG Architects, Inc., Regarding Its Agreement With The City For Architectural/Engineering Services Relating To The Bayshore/Par 3 And Normandy Shores Golf Course Clubhouses And Related Facilities, Dated January 6, 1999, Due To Significant Delays In The Completion Of the Design Services Phases; Authorizing The City Manager Or His Designee To Terminate The Agreement With The Firm Of REG Architects, Inc.; Pursue Completion Of The Project Through Other Means; And Select And Negotiate A New Design And Construction Agreement Necessary For The Prosecution Of The Remaining Work On The Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2002-24713 adopted as amended. Jorge Gonzalez, City Manager, stated that based on discussions as late as today between the Administration and REG Architects, Inc., REG has agreed to an amendment to their agreement which gives them until 5:00 p.m. on January 25 to deliver "permissible" documents on Bayshore Clubhouse, Maintenance Building, and Restroom Facilities. Further:

1. If REG fails to provide the permissible set of documents for any reason, then REG accepts voluntarily termination for cause effective 5:00 p.m., January 25, 2002; or
2. If REG successfully provides the permissible set of documents, then REG agrees to the following series of conditions:

A. REG agrees to provide the City a cash bond in the amount of \$100,000. Said cash bond will be provided the City no later than January 31, 2002, and will be in a form acceptable to the City.

If, during the remaining course of the project, any of the following occurs, then REG agrees to forfeit the entire \$100,000 cash bond. If REG successfully performs, the cash bond will be released by the City. If REG fails to perform, REG accepts termination for cause. Pursuant to this section, REG must:

1. Respond to Contractor, URS and/or City inquiries in an acceptable manner within 72 hours of contract. City is sole arbiter of an acceptable response.
 2. Provide acceptable, timely response to issues of errors or omissions. City is sole arbiter of acceptable response.
 3. Provide acceptable and timely response to address unforeseen site issues. City is sole arbiter of acceptable response.
 4. Provide acceptable and timely response to any reasonable request of the City. City is sole arbiter of acceptable, timely or reasonable.
3. REG agrees to a deductive change order to remove Normandy Shores Golf Course Clubhouse, and Par 3 scope of work from the Agreement. City agrees any fees already paid and received by REG for work on this scope of work will not be returned to the City.
4. This settlement agreement serves as a remedy for the alleged default of REG and could preclude the City from collecting other damages not contemplated in this agreement.

Commissioner Gross stated that "permissible" documents need to be clearly defined in the agreement.

Motion made by Commissioner Garcia to authorize the City Manager to sign the Settlement Agreement; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Smith. Tim Hemstreet to handle.

See City Code Section 2-379 - Debarment of Contractors from City work

Handout:

1. Commission Memorandum from Jorge M. Gonzalez, City Manager, to Mayor Dermer and members of the City Commission, dated January 9, 2002, RE: REG Architects/Bayshore Golf Course

7:41:37 p.m.

R7C A Resolution Approving The Appropriation Of \$1,100,000 From The Bond Fund 481; Accepting The City Manager's Recommendation Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 43-00/01 For Parking Meter Expanded Housing And Electronic System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Duncan Industries Parking Control Systems Corp.; And If Successful In Negotiating A Contract, Authorizing The Mayor And City Clerk To Execute A Contract, In An Amount Not To Exceed \$1,000,000.
(Parking Department)

ACTION: Resolution No. 2002-24714 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Vice-Mayor Smith. Patricia Walker to appropriate funds. Saul Frances to handle.

Note: Mercy, change resolution "Now, Therefore" section: "Manger's" to "Manager's".

5:33:47 p.m.

R7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Proposals Received In Response To Request For Proposal (RFP) No. 8-00/01, For Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo And North Shore Park Tennis Centers; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Green Square, Inc., To Manage And Operate The Flamingo Park Tennis Center; And Approving The Rejection Of All Proposals Received Relating To The North Shore Park Tennis Center.
(Parks & Recreation)

ACTION: Discussion held. Flamingo Park and North Shore Park issues bifurcated.

Resolution No. 2002-24715 adopted as amended.

Larry Herrup, Chairperson of the Selection Committee gave an overview of the process. In the future he recommended that maybe a RFQ would be a better tool than an RFP for this type of service.

Harold Rosen and Robert Goodman spoke on behalf of Howard Orlin.

Alex Tachmes spoke on behalf of Green Square, Inc.

Flamingo Park Tennis Center

Motion made by Commissioner Bower to approve the Administration's recommendation for Flamingo Park Tennis Center; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Smith. Kevin Smith to handle.

Commissioner Garcia stated that this was unfair to Mr. Johnson and added that he could not vote for the motion as made [supporting the Administration's recommendation.]

Mayor Dermer asked Commissioner Bower if the intent of her motion was Flamingo Park only. Commissioner Bower affirmed. Commission Steinberg, who seconded the motion, also agreed.

Commissioner Cruz made reference to Mr. Johnson, who has given 15-years to this community. He stated that the Commission has to try to do what is best for the City, but also has to acknowledge that we are dealing with human beings.

Commissioner Gross stated that Mr. Orlin has been providing services for 25 years. He asked if someone could explain Mr. Orlin's deficiencies.

Larry Herrup stated that, in his opinion, everyone was treated equally in the process. The Selection Committee dealt with the information given. The Committee ranked fairly and with impartial deliberations.

Jorge Gonzalez, City Manager, stated that in the RFP process there are requirements and evaluation criteria established by the Administration and approved by the City Commission for the Selection Committee to base their review and recommendation. The Selection Committee is an advisory committee to the City Manager. The City Manager has the benefit of additional information in the form of past performance and asking additional questions, within the scope of the Cone-of-Silence. In this case the recommendation was based on what is in the best interest of the City and its residents. It made no sense to award a contract to Mr. Johnson and at the same time tell him that the facility will be closed for the next 18-24 months because the facility will be closed for renovations. The City Manager stated this did not make good logical sense.

Commissioner Gross asked about the financial feasibility of Bollettieri plan.

Jorge Gonzalez, City Manager, stated that he is satisfied that the fees are in line and this was the only proforma which made sense to the Administration from a revenue and an expenditure perspective. This will yield some return to the City but probably not a great deal.

Robert Middaugh, Assistant City Manager, also spoke on the financials and indicated that the demonstrated financial information showed the Green Square proposal having the greatest chance to succeed, whereas the others were marginal and did not have the capability to address all operating expenses such as utilities.

North Shore Park Tennis Center

Motion made Commissioner Garcia to [award] negotiate a contract on North Shore Park to Mr. Richard Johnston; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Smith. Kevin Smith to handle.

City Clerk's Note: Cross-reference Jim Bollettieri

Handout:

1. Letter to from Mr. Harold Rosen to Jorge Gonzalez, dated December 26, 2001, RE: RFP 08/00/1 Tennis Management Contract.
2. Letter to Mr. Harold Rosen from Jorge M. Gonzalez, dated January 8, 2002, RE: Bid No. 8-00/01 - Tennis Management and Operations RFP

New Item:

7:27:44 p.m.

Procurement

Jorge Gonzalez, City Manager, informed the Commission of a letter he received dated December 21, 2001 from the National Institute of Governmental Purchasing. He explained that this is the National Association and Accrediting Body of Purchasing. Out of 2,100 governmental members of the National Institute of Governmental Purchasing, only 40 government entities have actually been accredited by this organization. On December 21, 2001, the City of Miami Beach received this accreditation.

Gus Lopez, Procurement Director, stated that with the support of the City Manager his department is fully staffed. When he first started, there was a 50 % vacancy. His staff works very hard. This is a very prestigious award. This organization has been in existence for 56 years and this is the first awarded to any government agency in South Florida.

Commissioner Bower commented that Mr. Lopez has done a very good job since he started. She commends him for his hard work, persistence, and honesty.

Mayor Dermer stated that Mr. Lopez has a very difficult job and he handles it with integrity. This is commendable because if we have somebody in this job with no integrity there can be a lot of damage done. You do a great job at maintaining integrity and consistency and we really appreciate it.

Commissioner Garcia stated that he has yet to find someone with the professionalism that Mr. Lopez has shown. His department is now one of the best run departments in the City, if not the best.

7:42:26 p.m.

R7E A Resolution Pertaining To Pay For City Employees Who Are Called To Active Military Duty In Response To The September 11, 2001 Terrorist Attack Against The United States; And Providing An Effective Date.

(Human Resources)

ACTION: Resolution No. 2002-24716 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Smith. T. C. Adderly to handle.

11:55:57 a.m.

- R7F A Resolution Waiving, By 5/7 Votes, Formal Competitive Bidding, Finding Such Waiver In The Best Interest Of The City, And Authorizing The Administration To Negotiate And If Successful, Authorizing The Mayor And City Clerk To Amend The Contract With The Comprehensive Companies, To Provide Additional Voluntary Benefits For City Employees, At No Cost To The City.
(Human Resources)

ACTION: Resolution No. 2002-24717 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 7-0. T. C. Adderly to handle.

- R7G A Resolution Authorizing The Issuance Of Request For Proposal No. 10-0102 For Governmental Representation And Consulting Services In Tallahassee, Florida, For The 2003 And 2004 State Legislative Sessions.
(Economic Development)

ACTION: Deferred. Lilia Cardillo to place on January 30 Commission Agenda.

- R9A Board and Committee Appointments
(City Clerk's Office)

Commissioner Gross requested that the appointments be taken early on the day or at a time certain. Board appointments will be taken up during a Special Commission Meeting scheduled for Monday, January 14 at 1:00 p.m.

ACTION: The following Direct Appointments were made:

Barrier Free Environment

Andrew I Batavia	term expires	12/31/03	appointed by Commissioner Cruz
Oscar Rodriguez	term expires	12/31/02	appointed by Commissioner Gross

Beach Preservation Board

Debbie Balliet-Jacobson	term expires	12/31/03	appointed by Commissioner Cruz
Jerry Marsch	term expires	12/31/03	appointed by Mayor Dermer
Luiz Rodrigues	term expires	12/31/03	appointed by Commissioner Gross

Beautification Committee

Joshua Bratter	term expires	12/31/03	appointed by Commissioner Steinberg
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Budget Advisory Committee

Marc Jacobson	term expires	12/31/03	appointed by Commissioner Cruz
Jack Beneviste	term expires	12/31/03	appointed by Mayor Dermer
Bruce Davidson	term expires	12/31/03	appointed by Commissioner Gross

Committee for Quality Education in Miami Beach

Beverly Heller	term expires	12/31/03	appointed by Commissioner Steinberg
May Betancourt	term expires	12/31/03	appointed by Commissioner Cruz
Marta Montaner	term expires	12/31/03	appointed by Commissioner Bower
Maria Fernandez	- Biscayne Elementary representative		

Committee on the Homeless

Mark Hildenbrant	term expires	12/31/02	appointed by Commissioner Garcia
Bernice Martinez	term expires	12/31/03	appointed by Mayor Dermer

Community Development Advisory Committee

Rebecca Johnson	term expires	12/31/03	appointed by Commissioner Cruz
Julian Linares	term expires	12/31/02	appointed by Commissioner Cruz
Beth Gopman	term expires	12/31/03	appointed by Mayor Dermer
Lazaro E. Martinez	term expires	12/31/03	appointed by Commissioner Gross
Matthew Krieger	term expires	12/31/03	appointed by Commissioner Steinberg
Michael Gongora	term expires	12/31/03	appointed by Commissioner Steinberg

Community Relations Board

Jacqueline Hertz	term expires	12/31/03	appointed by Commissioner Cruz
Arnie Smith	term expires	12/31/03	appointed by Mayor Dermer
Robin Lea	term expires	12/31/03	appointed by Commissioner Steinberg
Marc Lichtman	term expires	12/31/03	appointed by Commissioner Bower

Convention Center Advisory Board

Jay Jensen	term expires	12/31/03	appointed by Commissioner Cruz*
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*Per Commissioner Cruz's office Jay Jensen is being replaced with Jo Asmundsson

Jo Asmundsson	term expires	12/31/03	appointed by Commissioner Cruz
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Edward Levinson	term expires	12/31/03	appointed by Mayor Dermer
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**City Clerk's note: Ed Levinson should not have been appointed; term ends 12/31/2002

Convention Center Capital Projects Oversight Comm

Jorge Rodriguez-Chomat	term expires	12/31/03	appointed by Commissioner Steinberg
Jack Hartley	term expires	12/31/03	appointed by Commissioner Garcia

Debarment Committee

Nataschia Ayers Deshayes	term expires	12/31/03	appointed by Commissioner Cruz
David S. Weider	term expires	12/31/03	appointed by Commissioner Smith
Louis Martinez	term expires	12/31/03	appointed by Mayor Dermer

Fine Arts Board

Jeanette Varela	term expires	12/31/03	appointed by Commissioner Cruz
Laura Bruney	term expires	12/31/03	appointed by Commissioner Smith
Chris Ingalls	term expires	12/31/03	appointed by Commissioner Gross

Golf Advisory Committee

Linda Leibovici	term expires	12/31/03	appointed by Mayor Dermer
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Hispanic Affairs Committee

Jeannette Blanca Egozi	term expires	12/31/03	appointed by Commissioner Steinberg
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Loan Review Committee

Phillip Brazlavsky	term expires	12/31/03	appointed by Commissioner Cruz
Carmen Granda	term expires	12/31/03	appointed by Commissioner Garcia

Marine Authority

Morris Sunshine	term expires	12/31/03	appointed by Commissioner Gross
Liliam Lopez	term expires	12/31/03	appointed by Commissioner Garcia

Miami Beach Commission on Status of Women

Barbara Gillman	term expires	12/31/03	appointed by Commissioner Cruz
Gail Harris	term expires	12/31/03	appointed by Commissioner Steinberg
Dona Zemo	term expires	12/31/03	appointed by Commissioner Gross

North Beach Youth Center Oversight Committee

Martin Hyman	term expires	12/31/03	appointed by Commissioner Cruz
Holly Wallack	term expires	12/31/03	appointed by Commissioner Steinberg

Parks and Recreation Facilities Board

Regina Suarez	term expires	12/31/02	appointed by Commissioner Cruz (Declined) see Police Citizens Relations Committee
Patricia MacIsaac	term expires	12/31/03	appointed by Commissioner Gross
Renae Meltzer	term expires	12/31/03	appointed by Commissioner Steinberg

Police Citizens Relations Board

Lisa Cohn	term expires	12/31/03	appointed by Commissioner Cruz
Regina Suarez	term expires	12/31/02	appointed by Commissioner Gross
Julian Linares - Resigned per Commissioner Cruz			

Production Industry Council

Sheila Duffy-Lehrman	term expires	12/31/03	appointed by Commissioner Cruz
Nikos Prantzios	term expires	12/31/02	appointed by Mayor Dermer

Safety Committee

Norman Giller	term expires	12/31/03	appointed by Commissioner Steinberg
Carla Datorre	term expires	12/31/03	appointed by Commissioner Steinberg
Mitchell Korus	term expires	12/31/03	appointed by Commissioner Gross
Evelyn Manset resigned	term expires	12/31/02	appointed by Commissioner Garcia
Gertrude Arfa	term expires	12/31/02	appointed by Commissioner Garcia

Transportation and Parking Committee

Jay Scharer	term expires	12/31/03	appointed by Commissioner Cruz
Stephen Nostrand	term expires	12/31/03	appointed by Commissioner Gross

Youth Center Advisory Board

Ivor Rose	term expires	12/31/03	appointed by Commissioner Cruz
Amy Agnoli	term expires	12/31/03	appointed by Commissioner Gross

R9B(1) Dr Stanley Sutnick Citizen's Forum (1:30 p m)

ACTION:

Elizabeth Donnelly spoke on three issues: **1)** The Miami Today newspaper has an article in reference to land transferred to the New World Symphony. The article states that The Symphony will have their home in Miami. She is opposed to giving or selling the building to the New World Symphony. **2)** She is also opposed to light rail on the beach. She does not want any money spent on this. **3)** The Ballet is going bankrupt according to the article in Miami Today. We gave them the land for \$1 a year. Now they are going to Miami. You should give some consideration before making any decisions.

Jorge Gonzalez, City Manager, responded that, the newspaper may have misrepresented the fact that Miami will be the home for the New World Symphony and the Miami City Ballet. There will be five signature operators at the proposed Performing Art Center being built in Miami. Two of those five operators will be the New World Symphony and the Miami City Ballet. They will remain in their facilities on Miami Beach and continue to operate here. They will just be one of the five signature tenants of the new Performing Arts Center.

Bunny Patchen spoke on two issues: **1)** Her husband and her are strongly opposed to any type of regulations on residential dock usage for single family residences. Residents spend a substantial amount of money to enhance the docks with power. This facilitates the utilization of electrical service when the vessel is in port. If there are concerns with excess noise and illegal dumping, these are Code Enforcement issues that should be addressed as needed. If the City continues with this, then the City must address vessels anchored adjacent to the South of Julia Turtle on Sunset Lake and also just North of Sunset Harbor. These vessel owners utilize City services with no tax revenues to the City. The waterfront residents pay taxes to the City. She is afraid of what other regulations may follow. The City must stop attempting to erode the personal property rights of single family owners and stop trying to micro-manage single family homes. **2)** She feels that trading a photo ID for a Visitors Pass does not create any security, since briefcases, purses, etc, are not being checked. This is spending tax dollar on "bogus security. "

Commissioner Garcia stated that the security guards have afforded some level of controlled of the flow of people into the building. He stated that the passes are generic and suggested that a number be added to the pass. In addition a written log should be maintained so that individuals can be given a numbered pass and their name recorded in the log for that number.

Jorge Gonzalez, City Manager, stated that this is a good idea that will give more control on the passes. **Robert Middaugh to handle.**

Minnette Benson expressed her disappointment on the Mayor for starting the Sutnick Hour at 1:30 p. m. when he is the only one present. The other Commissioners were not there and that shows disrespect. The people come to speak to a full Commission.

She is the designated speaker of her condo building located at 5660 Collins Ave. She read a letter dated 1/7/02 given to Mr. Parcher and signed by Jerome Uffner, President. This letter is in reference to serious problems with the Miami Beach Sewer Department. The City needs to fix their equipment so they can take care of the problems. There are serious safety and health issues at stake due to this problem. They will hold the City responsible for any problems which could arise while your equipment is not working. I am asking you to direct the City Manager to correct this problem immediately. Infrastructure should be taken care of before any expansion of City building is done.

Jorge Gonzalez, City Manager, explained that the City Manager's office is right across from the Public Works Department and that his door is always open. He stated that he would prefer that if she is having a problem with a City Department to come see him or Robert Middaugh, Assistant City Manager, who oversees the Public Work Department Director. Ms. Benson stated that she would prefer to air her complaint in a public forum. **Fred Beckmann to handle.**

Handout:

1 Letter to the Mayor and City Commissioners from Jerome Uffner, President, "Fifty six sixty Collins Avenue Condominium, Inc , dated January 7, 2002

Mallory Kauderer, Regents Park Property, spoke on the waiver of parking impact and other fees. He stated that he owns a building on Espanola Way. He stated that the waiving of impact fees has been before the Finance Committee and that impact fees be waived, both pass, present, and future during the course of construction on the street. He is in support of any reduction of fees to help the small business owners in Miami Beach.

Vice-Mayor Smith stated that these measurements were approved today with the Consent Agenda (C6B - Item 2) and will be implemented by Administration.

Commissioner Garcia stated that the issue of concurrency for new construction and for change-of-use is scheduled to go before the Land Use and Development Committee. R. Parcher to notify Mr. Kauderer when the Committee will be meeting.

R9B(2) Dr Stanley Sutnick Citizen's Forum (5:30 p.m.)

ACTION: Not reached.

R9C Discussion Regarding Allowing Miami Beach Chamber Of Commerce Employees To Purchase Parking Permits For The Preferred Lot At A 50% Discount.
(Requested By Commissioner Simon Cruz)
(Deferred From December 19, 2001)

ACTION: Withdrawn by Commissioner Cruz.

3:48:27 p.m.

R9D Discussion Regarding The Possible Restructuring Of The Miami Beach Housing Authority.
(Requested By Vice-Mayor Jose Smith And Commissioner Richard L. Steinberg)

ACTION: Discussion held. Motion made by Commissioner Bower authorizing the Administration to broadcast on Cable Channel 20, Housing Authority Meeting videotapes provided by the Housing Authority; seconded by Commissioner Steinberg; Voice Vote 7-0. Ron Francis to handle.

Vice-Mayor Smith made reference to a comment made by a speaker at the Committee on the Homeless Workshop that the Housing Authority is dysfunctional. He asked that the City Attorney and City Manager find out what legal options the City Commission has to deal with these problems effectively.

Commissioner Steinberg stated that due to the Sunshine Law, he had not discussed this issue with Vice-Mayor Smith prior to the meeting. His concern was that the Housing Authority was not being responsive to its residents; therefore, he suggested increasing the members from five to seven, and have two extra slots, bringing more diversity to the board, one of which would be another resident and another At Large member.

Murray Dubbin, City Attorney, stated that the Miami Beach Housing Authority was created under the jurisdiction and authority of Chapter 421 of Florida Statute, which basically says that in each county and in each city there shall be a Housing Authority. However, it is not implemented in the local government until that government makes the determination. The last implementation made in this city was in October 1949. The law has made it clear that once the Housing Authority is established, it cannot be dissolved by the City. The State law says there shall be between five to seven members. The Attorney General opinion in 1984 indicated that once you created a five-person board the City Commission did not have the power to increase the number to seven. The City Attorney disagrees with that opinion, and if that is the position the Commission would like to pursue, he will work and fight to support the Commission. That might be a method of exercising board control.

Attorney Dubbin added that the Mayor of the City does not have the power to remove members of the board. There is a provision for removal of commissioners by action of the City Commission provided by Sec 421.07 Florida Statutes, which provides for inefficiency or neglect in duty or misconduct in office, a commissioner can be removed only after a hearing and that is through an impeachment procedure.

Miguel Del Campillo translated to Spanish.

Charles Burkett, Chairman of the Housing Authority, gave a brief history of how the Housing Authority arrived to where they are today. The problems surfaced after self-examination two years ago. This examination revealed serious problems, which subsequently resulted in the placement of the Housing Authority on probation for a year or until the problems were solved. Since then, the commission has hired a new Housing Authority Director, Larry Shoeman.

He introduced the members of the Housing Authority Commission present: Steve Chaykin, Betty Gutierrez and Barbara Fernandez. Jonathan Beloff arrived later in the meeting.

The Housing Authority is guilty of 1) focusing too much on the financial components and aspects of the Housing Authority and not enough on the residents of Rebecca Towers, 2) ask tenants not to knock on doors of those who do not wish to be solicited 3) attempting to implementing a security system for the elevators 4) guilty of proposing to add enhanced services in the form of ALF 5) guilty of lack of communication skills when it comes to the City of Miami Beach.

As a result, the Executive Director has been placed on probation, with specific instructions as what he needs to do to correct all these problems. Mr. Burkett read a letter from HUD stating that the Housing Authority is no longer on probation.

Commissioner Cruz commended and congratulated the Housing Authority for being taken off probation.

Commissioner Bower supports the Housing Authority in the manner in which it is structured now. One of the problems is that when new employees are hired there are language barriers created with residents, but commended their being taken off probation.

Mayor Dermer stated that the City would televise the Housing Authority meetings on Channel 20 and Commissioner Steinberg also requested having the recordings dubbed in both English and Spanish.

Miami-Dade County Commissioner Bruno Barreiro suggested on behalf of the County Board of Commissioners, that the board comply with higher standards. In reference to tenants when they see the Housing Authority Board, they do not see a reflection of the community. The City of Miami Beach is not represented accurately, since the community is composed of more than 50% of Spanish speaking residents.

Mayor Dermer clarified that the previous Mayor had nominated this particular board with the previous Commission consent.

Vice-Mayor Smith made reference to positive developments as stated in the HUD letter read by Mr. Burkett, but added that there were ten observations made including four new findings. HUD awarded a 63%, and considers it a high-risk authority and will still be monitor closely. He looks forward to working closely with the Housing Authority in hopes that new violations are avoided and in solving existing problems.

Commissioner Gross expressed that this might be a turning point for the Housing Authority and for the City. Mr. Shoeman has been able to do a good deal towards correcting many of the problems HUD had cited the Housing Authority. The Commission needs to monitor the improvement plan.

Commissioner Garcia stated that in his opinion, the Housing Authority Board commissioners have the best interest at heart and proposed that the Housing Authority provide the City Commission with a quarterly report to the Commission.

Handout:

1 Speakers List

7:43:35 p m

R9E Discussion Regarding A Resolution Reaffirming Support For The Miami-Dade County Human Rights Ordinance Enacted December 1, 1998 And Urging The Miami-Dade County Commission To Stand Firmly Behind The Miami-Dade County Human Rights Ordinance.
(Requested By Mayor David Dermer)

ACTION: Discussion held. Resolution No 2002-24718 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Vice-Mayor Smith. Mayor Dermer's office will transmit the resolution to Miami-Dade County.

Mayor Dermer stated that he will send this resolution to every gay tourist organization in the country to distinguish Miami Beach from Miami-Dade County.

At the suggestion of Murray Dubbin, City Attorney, the resolution will be amended to include individual signature lines for the Mayor and each City Commissioner. Legal Department to handle.

3:04:11 p m

R9F Discussion Regarding The Closing Of The Pediatric Ward At Mount Sinai Hospital.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that this issue is on the agenda because of the concerns expressed by Dr. Robin Strauss Furlong regarding the closing of the pediatric floor at Mount Sinai Medical Center at the December 19 Commission Meeting. At that time, Mayor Dermer stated that if Commissioner Garcia felt strongly about this, to put the item on the Commission agenda for discussion at the next meeting, invite some of the pediatricians and hospital administrators, and be the liaison between the City and Mount Sinai Hospital.

Commissioner Garcia referenced paragraph 4 of Steven D. Sonenreich's letter, dated December 19, 2001, which states "The inpatient portion of our pediatric services will be closed. This does not include neonatology, outpatient diagnostics, the pediatricians' private offices, or the pediatric services in the Emergency Room. Pediatric patients may continue to use our Emergency Room for triage and stabilization. We are working closely with Miami Children's and Jackson Memorial hospitals to take excellent care of our pediatric inpatients, and they have agreed to assist us in coordinating transfers from our Emergency Room when necessary."

Commissioner Garcia stated that he is very comfortable that the health and safety of the children in our community will be maintained.

Mr. Sonenreich introduced Dr. Kaiser, Vice-President of Medical Affairs for Jackson Memorial Hospital and Mr. Thomas Rozek, President and CEO of Miami Children's Hospital, and stated that Mount Sinai Medical Center will continue to maintain the outpatient and emergency room services. He stated that Mount Sinai Medical Center has a close working relationship, affiliation and a transfer agreement with Miami Children's Hospital and Jackson Memorial Hospital. Mr. Sonenreich explained the reason why the decision was made to close the unit.

Vice-Mayor Smith stated that he was not happy with Mount Sinai's decision and Mr. Sonenreich responded.

Commissioner Bower stated that she is also concerned about the decision and stated that it would have been helpful if Mount Sinai Medical Center would have informed the Commission in advanced of their decision.

Dr. Robin Strauss (Furlong) spoke.

Dr. Kaiser spoke on behalf of the Public Health Trust and stated that Mr. Clark and the Board are aware of his presence at this meeting.

Mr. Thomas Rozek spoke on behalf of Miami Children's Hospital.

Dr. David Galbut spoke.

Ms. Ruth E. Pasarell spoke.

Dr. Steven Peck, Children's Medical Group spoke.

Commissioner Garcia stated that this may be an inconvenience to the doctors but no child is in peril of dying. As a retired Fire Chief of the City of Miami Beach, he explained about the fire rescue transporting protocol. He also stated with the small volume of patients to this unit, that it is very underutilized.

Mayor Dermer stated there are some issues, which fall within the jurisdiction of the City Commission, and some items, which do not. Mount Sinai Center is a private institution. The City Commission has no jurisdiction to regulate a private institution. He also stated that if Mount Sinai Medical Center is going to call themselves a community hospital, then talk with the community a lot.

Commissioner Cruz stated that because the changes Mount Sinai Medical Center is making may impact the residents of Miami Beach, it is important to keep the City apprised via the Mayor or City Manager.

Handout:

1. Letter to Commissioner Garcia, from Steven D. Sonenreich, President and Chief Executive Officer of Mount Sinai Medical Center and Miami Heart Institute
2. Speakers List

R10 – City Attorney Reports**R10A Notice Of Closed Executive Session**

Pursuant To Section 286 011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 9, 2002, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

Royal World Metropolitan Inc Vs City Of Miami Beach, Eleventh Judicial Circuit Court, Case No 99-17243 CA 23.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, First Assistant City Attorney Debora Turner, And Outside Counsel Jennifer Altman, Esq.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 286 011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 9, 2002, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

City Of Miami Beach, Vs South Beach Tristar Capital, LLC Eleventh Judicial Circuit, General Jurisdiction, Case No 01-1189 CA 25.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, First Assistant City Attorney Gary Held And Senior Assistant City Attorney Valencia Abner.

ACTION: Announced and held.

Reports and Informational Items**A Parking Status Report**

(Parking Department)

ACTION: Written report submitted.

**B Status Report On Fire Station No. 2 Rehabilitation And Building Addition.
(Capital Improvement Projects)**

ACTION: Written report submitted.

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 9, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. NEW BUSINESS
 - A. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing A One Year Renewal Of The Management And Leasing Agreement With The Miami Beach Community Development Corporation, In Association With The Felenstein Koniver Stern Realty Group, For The Management And Leasing Of The Retail Component Of The Anchor Shops And Parking Garage, Dated January 1, 2001, In Accordance With The Provisions Set Forth In Section 9 1 Of The Said Agreement.

Action: Resolution No 405-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Christina Cuervo to handle.

City Clerk's note: See C4A referral

ADDENDUM:

Motion made by Commissioner Bower to add item 2B as an emergency item by a 5/7 vote; seconded by Commissioner Garcia; Voice-Vote: 7-0.

10:09:54 a.m.

7:38:51 p.m.

- B. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$95,440 From South Pointe Tax Increment Funds, In Accordance With The Settlement Agreement Amongst The City Of Miami Beach, The Miami Beach Redevelopment Agency, And West Side Partners Limited, With Respect To Unforeseen Additional Environmental Remediation Costs In SSDI-North And Further Appropriating \$93,600 To Perform Repairs To The Seawall Along SSDI-South, Required Pursuant To The Amended And Restated Grant Of Baywalk Easement.

10:09:52 a.m.

Christina Cuervo gave an oral report on the need to repair the seawall.

Larry Levy gave an oral report on the baywalk easement agreement.

Mayor Dermer asked the Administration if the temporary Certificate of Occupancy (TCO) will be withheld if the baywalk is not completed. He stated that he is concerned that the baywalk will not be built. He stated that he wants something concrete to be able to hold the developer to their responsibility of building the baywalk.

Christina Cuervo stated that the City will not issue a final Certificate of Occupancy until the baywalk is completed. She stated that it is the intent of the City not to issue a TCO until the baywalk is completed; however, if because of the City's actions in repairing the seawall we impede their ability to complete the baywalk, we are put into a potential litigious position. However, never would a final Certificate of Occupancy be issued until the baywalk is completed.

Commissioner Cruz asked if the developer could post a bond to insure that the baywalk is completed.

Mayor Dermer asked why Code has not cited the Alaska parcel for seawall violations.

Commissioner Steinberg asked if the TCO can come before the City Commission before it is issued. Administration to investigate. Commissioner Steinberg stated that if the TCO can come before the Commission he would like it to. If not, the TCO should have strict language stating that the TCO will expire at a set time, and the developer will need to have completed the baywalk.

Motion made by Commissioner Steinberg directing the Administration to make the TCO requirement that it only last as long as necessary to build the baywalk after the seawall is completed and it will expire immediately upon that time. No second offered.

Motion by Commissioner Steinberg to defer this item to the afternoon and allow the Administration time to come back with alternatives; seconded by Commissioner Bower; Voice-Vote 7-0.

7:38:51 p.m.

ACTION: Resolution No 406-2002 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Voice vote: 7-0. Christina Cuervo to handle.

Larry Levy, First Assistant City Attorney, stated that there was a negotiation session held and the Related Group and their lawyers have agreed to give a corporate guarantee, ensuring completion of the baywalk within 90 days after the seawall is completed. It is a guarantee of the parent entity.

Mayor Dermer emphasized that if this baywalk is not built within 90 days after the seawall is completed, he will be waving that corporate guarantee from Related at every Commission meeting talking about the baywalk not being built and this is the guarantee from this company.

City Clerk's note: Attached to this resolution is an executed original of the Completion Guarantee signed by Mr. Jorge M. Perez, President, The Related Group of Florida

Handout:

1 Letter from Vick Cespín, Vice-President, DVC Constructor, Inc., to Mr. Charles Carreno, Hazen and Sawyer, dated January 4, 2002, RE: SSDI South Seawall Restoration

End of RDA Agenda

Meeting adjourned at 7:53:21 p.m.